

**(1993) 04 AHC CK 0068**

**In the Allahabad High Court**

**Case No :** Crl, Miscellaneous Writ No. 12193 of 1993

Malwati

APPELLANT

Vs

State of U.F.& Qrs.

RESPONDENT

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**Date of Decision :** 07-04-1993

**Acts Referred:**

**Citation :** (1993) 04 AHC CK 0068

**Hon'ble Judges :** K.Narayan, J and Virendra Saran, J

**Final Decision :** Disposed Of

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## **Judgement**

1. Heard the learned counsel for the petitioner at length.
2. The petitioner is involved in Crime No. 529 of 1992 under Section 489A, 304B, 201, 120B, I. P. C. and Section 3/4 of the Prohibition of Dowry Act, P. S. Sardhana, District Meerut.
3. We have gone through the first information report of the case and we are of the opinion that it is not a fit case to quash the first information report in the exercise of the discretionary jurisdiction under Article 226 of the Constitution of India.
4. Learned counsel for the petitioner has pointed out that in this case coaccused Charan Singh, husband of the petitioner and Raj Kiran, son of the petitioner (who was the husband of deceased) have already been released on bail by this Court in Criminal Misc. Bail application No 3305 of 1993 on 24/2/1993, a photostate copy of the order has been produced before us.
5. The power to hear and dispose of the bail application the same day and alternatively to enlarge the accused on personal bond till the disposal of the bail application is implicit in the language of Sections 437/439 Cr. P. C. In the circumstances of a case if the learned Magistrate/Sessions Judge feel that such a course should be adopted and it is always open to them either to dispose of the application on the same day and in the alternative release the accused on

executing personal bond till the disposal of the application. It may be also pointed out that the applicant is entitled to claim the benefit of the proviso to Section 437(i)(ii) Cr. P. C. which contains special provision for bail to woman, minors under 16 years of age and sick or infirm persons.

6 With these observations, the writ petition is disposed of finally. A copy of this order shall be given to the counsel for the petitioner on payment of usual charges within three days.